Supreme Court, U.S.
FILED

No. 001670 FEB 26 2001

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

FRANK J. CAMOSCIO,

Petitioner,

v.

ROGER DEMINICO,

Respondent.

On Petition For A Writ Of Certiorari
To The United States Court Of Appeals
For The Commonwealth Of Massachusetts
For The First Circuit

PETITION FOR A WRIT OF CERTIORARI

FRANK J. CAMOSCIO
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15pp

QUESTION PRESENTED

DEATH THREATS

Death threats by a police officer, fully armed with a loaded gun and club against the Petitioner in front of witnesses. These threats were made against the Petitioner by this police officer who was protecting a friend of his who had committed a crime and was arrested of which the Petitioner was to be a witness against him.

These threats continue to the present day placing the Petitioner in fear of his life.

LIST OF PARTIES

PETITIONER

Dr. Frank J. Camoscio, 33 Plainfield Street, Newton, MA 02468.

RESPONDENT

Roger Deminico in his official capacity as a Boston Police Officer, 1 Schroeder Plaza, Boston, MA 02102.

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PETITION FOR A WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS

FOR THE COMMONWEALTH OF MASSACHUSETTS

FOR THE FIRST CIRCUIT

Petitioner, Dr. Frank J. Camoscio, respectfully prays that the writ of certiorari be issued to review the judgment and opinion of the United States Court of Appeals for the First Circuit entered in the above cause on December 5, 2000.

OPINION BELOW

The opinion of the United States Court of Appeals for the First Circuit is attached as Appendix A.

JURISDICTION

The jurisdiction of this Court is invoked pursuant to Title 42, § 1983, for deprivation of the Petitioner's rights.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Constitution Article XIV, § 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge

the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Massachusetts Constitution Article XI

Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

Civil Action for Deprivation of Rights, Title 42, § 1983

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia. R.S. § 1979; pub. L. 96-170, § 1, Dec. 29, 1979, 93 Stat. 1284.

CONCISE STATEMENT OF THE CASE

The Petitioner filed suit in the United States District Court, for the District of Massachusetts under U.S.C. Title 42, § 1983, civil action for deprivation of rights because the Respondent, Boston Police Officer, Roger Deminico threatened the Petitioner with severe bodily harm and death.

On December 4, 1997 in the a.m., Boston Police Officer Roger Deminico accosted the Petitioner at his medical offices located in Boston, Massachusetts. Officer Deminico angrily stated to the Petitioner:

> "If you know what's good for you, and want to prevent from getting seriously injured, drop all the charges filed against a friend, John Picariello, that have been filed with the Boston Police Department. I don't care what has happened in the past; you let it end right here and now or be seriously injured. The only one you have to answer to from now on is me and only me."

When Officer Deminico confronted the Petitioner at his offices, he was dressed in his official Boston Police uniform carrying both his gun and club. Officer Deminico kept banging on both of these weapons when he threatened the Petitioner with severe bodily harm. Witnesses were present in the Petitioner's medical offices when he was seriously threatened by Officer Deminico. These witnesses will be ready to appear in Court on the Petitioner's behalf. These witnesses appeared at police headquarters and testified against Officer Deminico.

Complaints were filed against Paul Evans, Boston Police Commissioner, because of his refusal to hear the complaint against Officer Deminico. Also, against Boston Mayor Thomas Menino when he was made aware of Officer

Deminico's wrong-doings and allowed Police Commissioner Evans to cover-up Officer Deminico's wrong-doings in his capacity as a Boston Police Officer against the Petitioner.

This is not an isolated case. There is a history of Officer Deminico getting into trouble as a police officer.

ARGUMENT

The Petitioner is entitled to equitable relief under Title 42 U.S.C.A., § 1983 because the Petitioner was placed in fear of his life by a Boston Police Officer who was acting in his official capacity as a Boston Police Officer. Unless this Court has decided that placing a citizen in fear of his life is in the regular duties of any law enforcement agent is in the best interest of the public.

REASON FOR GRANTING THE WRIT

This case provides this Court with an opportunity to restore the Petitioner's right to equity under Title 42 U.S.C.A., § 1983.

CONCLUSION

This case presents an important constitutional issue of whether the Petitioner is entitled to equity as guaranteed by the Constitution. under Title 42 U.S.C.A., § 1983 because the Respondent has violated the Petitioner's civil rights.

Respectfully submitted,

Dr. Frank J. Camoscio

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Phone: (617) 720-2849

Dated: February 20, 2001

APPENDIX

[NOT FOR PUBLICATION—NOT TO BE CITED AS PRECEDENT]

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

No. 00-1310

FRANK CAMOSCIO,
Plaintiff, Appellant,

v.

ROGER DEMINICO,
Defendant, Appellee.

APPEAL FROM
THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
[Hon. William G. Young,
U.S. District Judge]

Before

Torruella, Chief Judge,
Boudin and Lipez, Circuit Judges.

Frank Camoscio on brief pro se.
Michael A. Goldsmith, Assistant Corporation Counsel, and Merita A. Hopkins, Corporation Counsel, on Motion for Summary Disposition, for Appellee.

December 5, 2000

Per Curiam. Having thoroughly reviewed the record and the parties' submissions on appeal, we affirm the dismissal of the Appellant's complaint on the ground that it is barred by the doctrine of res judicata. Costs to Appellee. See Local Rule 27(c); Fed. R. App. P. 39(a) (2).

App. 3

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

No. 00-1310

FRANK J. CAMOSCIO, DR.,
Plaintiff - Appellant
v.
ROGER DEMINICO, POLICE OFFICER,
Defendant - Appellee

JUDGMENT
Entered: December 5, 2000

This cause came on to be submitted on the briefs and original record on appeal from the United States District Court for the District of Massachusetts.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The judgment of the District Court is affirmed.

By The Court:

PHOEBE MORSE

Clerk

[cc: Camoscio and Goldsmith. Certified copies to: Honorable Young and Mr. Tony Anastas, USDC Clerk.